SINGLE BENCH

47 (1)

IN THE HIGH COURT OF JUDICATUERE AT BILASPUR (C.G.)

W.P. NO. 6164 **/2005**

PETITIONER : Ramesh Kumar Bhimte S/o- Shri N.L.Bhimte, aged about 51 years, Occupation- Draftsman (civil) at office of Executive Engineer, Water Resources Division (minor) Champa, R/o- Magarpara Ambdekar Nagar Bilaspur, (C.G.)

6225/05
P.R. No.
Presented Shiv Sahu
dated 31/12/05

VERSUS

RESPONDENTS

1. The State of C.G
Through the Secretary,
Department of Water Resources, Mantrlaya D.K.S. Bhawan, Raipur District- Raipur (C.G.)

2. The Deputy Secretary,
Department of Water Resources, Mantrlaya D.K.S. Bhawan, Raipur District- Raipur (C.G.)

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3. The Engineer in Chief,
Department of Water Resources, Sihawa Bhawan, Raipur (C.G.)

4. The Chief Engineer,
Department of water resources, Hasdeo- Bango, Bilaspur (C.G.)

5. Superintendent Engineer,
Department of water resources, Hasdeo- Bango, Bilaspur (C.G.)

OATH COMMISSIONER
APARNA
MALVIYA
CC-10/3/96
21/11/05
Bilaspur Chhattisgarh

6. Executive Engineer,
Department of water resources, Division- Janjgir, District- Janjgir-Champa (C.G.)

7. C. D. Mankar,
Assistant Engineer, (Draftsman)
Office of Executive Engineer, Mogra Project, Water resources Division Chowki, Had office- Dongargaon (C.G.)

(5) (2)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

1 PARTICULAR OF THE PETITIONER:

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...WP/6164/सन् **200**

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	19.6.2006:- Shri R.K. Kesharwani, counsel for the petitioner. Shri Satish Gupta, Deputy Govt. Advocate for the State/ respondents No.1 to 6. Heard both the counsel. By this writ petition, the petitioner has questioned legality and correctness of the promotion order Annexure-P/1 whereby considering the petitioner as a General Category candidate, respondent No.7 Mr. C.D. Mankar, SC candidate, who is junior to the petitioner has been promoted based on the seniority list Annexure-P/2 wherein the petitioner has been put in the General Category whereas, the petitioner belongs to SC, therefore, he has also questioned the correctness of seniority list Annexure-P/2 also. Return has been filed on behalf of respondents No.1 to 6 in which this fact has not been denied. The main objection of respondents is that the seniority list was published in the year 2000 and 2004 (Annexure-P/2) and the petitioner has not raised any objection or made any representation, therefore, the fault does not lie with respondents. Learned counsel for the petitioner while drawing attention of the Court towards the list dated 1-3-2003 sent by the office of Chief Engineer in which the petitioner's name appears at S.No.36 and he has been shown as SC candidate, submitted that due to typographical mistake the petitioner has been shown as General Category Candidate in the list P/2. Shri Gupta replied that if the petitioner makes a representation, the respondents shall definitely consider the case and pass appropriate order in accordance with law.	

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

77

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Having heard learned counsel for the parties and having perused the pleadings of parties, it is admitted that the petitioner belongs to SC category and till 1-3-2003 he was shown as SC candidate in the list prepared by the office of Chief Engineer, however, in the list Annexure-P/2 prepared in the year 2004, all of a sudden, the petitioner was shown as general category candidate and on account of that the petitioner's name was not considered for promotion to the post of Assistant Engineer considering the petitioner as general category candidate and the vacancy which was for SC candidate, against that vacancy respondent No.7 Mr. C.D. Mankar who was junior to the petitioner has been considered and promoted to the post of Assistant Engineer. In the circumstances, points raised by the petitioner is correct and the respondents have to rectify the mistake crept-in in the seniority list Annexure-P/2. Accordingly, the writ petition is allowed and the respondents are directed to rectify the mistake regarding caste of the petitioner in the seniority list and thereafter to consider case of the petitioner for promotion to the next higher post i.e. Assistant Engineer within a period of 3 months from today. Cost is made easy. Parties are entitled for certified copy of this order. **Sd/-** **L.C. Bhadoo** **Judge**	

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